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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Jaron D. Perkins,

10 Plaintiff,

11 v.

12 JPMorgan Chase Bank NA,

13 Defendant.  
14

No. CV-19-05914-PHX-JJT

**ORDER**

15 At issue are *pro se* Plaintiff Jaron D. Perkins's Complaint (Doc. 1, Compl.) and  
16 Application to Proceed in District Court without Prepaying Fees or Costs (Doc. 2). The  
17 Application does not contain sufficient information from which the Court can determine  
18 that Plaintiff is entitled to proceed without paying the Court's filing fees. Specifically,  
19 Plaintiff lists \$0 for every item on the form, including his food and lodging expenses.  
20 Without more explanation or detail, the Court cannot rule on Plaintiff's Application. The  
21 Court will thus deny the Application but allow Plaintiff to file an Amended Application.

22 Even if the Court were to grant the Application, the Court finds that the Complaint  
23 fails to state claims upon screening it pursuant to 28 U.S.C. § 1915(e)(2). The Court will  
24 therefore dismiss the Complaint but allow Plaintiff to file an Amended Complaint.

25 **I. LEGAL STANDARDS**

26 **A. 28 U.S.C. § 1915(e)(2)**

27 For cases such as the present one in which a party asks to proceed *in forma pauperis*—  
28 that is, the party lacks the means to pay court fees—Congress provided that a district court

1 “shall dismiss the case at any time if the court determines” that the “allegation of poverty is  
2 untrue” or that the “action or appeal” is “frivolous or malicious,” “fails to state a claim on  
3 which relief may be granted,” or “seeks monetary relief against a defendant who is immune  
4 from such relief.” 28 U.S.C. § 1915(e)(2). Section 1915(e) applies to all *in forma pauperis*  
5 proceedings. *Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000). “It is also clear that section  
6 1915(e) not only permits but requires a district court to dismiss an *in forma pauperis*  
7 complaint that fails to state a claim.” *Id.* at 1127.

## 8 **B. Rule 8, Federal Rules of Civil Procedure**

9 A complaint must include “a short and plain statement of the claim showing that the  
10 pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). The complaint must contain “sufficient  
11 factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’”  
12 *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S.  
13 544, 570 (2007)). Even where a complaint has the factual elements of a cause of action  
14 present but scattered throughout the complaint and not organized into a “short and plain  
15 statement of the claim,” it may be dismissed for failure to satisfy Rule 8(a). *Sparling v.*  
16 *Hoffman Constr. Co.*, 864 F.2d 635, 640 (9th Cir. 1988). A dismissal for failure to state a  
17 claim can be based on either (1) the lack of a cognizable legal theory or (2) insufficient facts  
18 to support a cognizable legal claim. *Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699  
19 (9th Cir. 1990).

## 20 **II. ANALYSIS**

21 In the Complaint, Plaintiff appears to raise 12 claims against Defendant under the  
22 Fair Credit Reporting Act, but none of the 12 claims are delineated, and it is entirely unclear  
23 to the Court what the 12 claims are. The Court must dismiss the Complaint for this reason  
24 alone.

25 The Complaint also fails to state claims because, while it does contain factual  
26 allegations, no facts are associated with the alleged 12 claims under the Fair Credit  
27 Reporting Act, whatever they may be. To avoid dismissal, each claim must include  
28 sufficient factual allegations to support a cognizable legal claim.

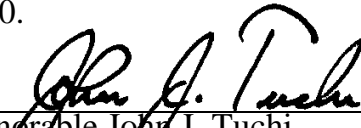
1 If a defective complaint can be cured, the plaintiff is entitled to amend the complaint  
2 before the action is dismissed. *See Lopez*, 203 F.3d at 1130. Because Plaintiff may be able  
3 to cure the defects in his Complaint by amendment, the Court will dismiss the Complaint  
4 without prejudice.

5 IT IS THEREFORE ORDERED denying Plaintiff's Application to Proceed in  
6 District Court Without Prepaying Fees or Costs (Doc. 2), with leave to file an Amended  
7 Application by January 24, 2020.

8 IT IS FURTHER ORDERED dismissing Plaintiff's Complaint (Doc. 1) without  
9 prejudice. Plaintiff may file an Amended Complaint by January 24, 2020. Failure to timely  
10 file an Amended Application and Amended Complaint will result in dismissal of this action.

11 IT IS FURTHER ORDERED directing the Clerk of Court to dismiss this action if  
12 Plaintiff fails to file an Amended Application and Amended Complaint by January 24,  
13 2020.

14 Dated this 3rd day of January, 2020.

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17 Honorable John J. Tuchi  
18 United States District Judge  
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